

Message Text

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ACTION L-03

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TO SECSTATE WASHDC IMMEDIATE 5725

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TAGS: UNGA, ICJ

SUBJ: UNGA - LEGAL COMITE: REVIEW OF ROLE OF ICJ

1. FOLLOWING IS MEXICAN DRAFT RESOLUTION ON SUBJECT.
DRAFT HAS NOT BEEN CIRCULATED FORMALLY. ICJ ITEM MAY
BE SUBJECT OF LEGAL COMITE DISCUSSION AS EARLY AS MONDAY
MORNING, THOUGH TUESDAY CONSIDERATION MORE LIKELY.
NETHERLANDS DRAFT RESOLUTION ON SAME ITEM, CIRCULATED
TO US IN SAME WAY, REPORTED SEPTEL. ANY COMMENTS
DEPARTMENT MAY WISH TO OFFER WOULD BE APPRECIATED.

2. THE GENERAL ASSEMBLY,

RECALLING THAT THE INTERNATIONAL COURT OF JUSTICE
IS THE PRINCIPAL JUDICIAL ORGAN OF THE UNITED NATIONS,

RECALLING FURTHER THAT IN ACCORDANCE WITH ARTICLE 2,
PARAGRAPH 3, OF THE CHARTER OF THE UNITED NATIONS, ALL
MEMBERS SHALL SETTLE THEIR INTERNATIONAL DISPUTES BY
PEACEFUL MEANS IN SUCH A MANNER THAT INTERNATIONAL
PEACE AND SECURITY, AND JUSTICE, ARE NOT ENDANGERED,

CONSIDERING THAT IT IS OF PARAMOUNT IMPORTANCE
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THAT THE INTERPRETATION OF THE CHARTER OF THE UNITED

NATIONS AND THE CONSTITUTIONS OF THE SPECIALIZED AGENCIES SHOULD BE BASED ON RECOGNIZED PRINCIPLES OF INTERNATIONAL LAW,

TAKING NOTE THAT THE REVISION OF ITS RULES UNDERTAKEN BY THE COURT COULD ENHANCE ITS EFFECTIVENESS,

CONSIDERING ALSO THAT ARTICLE 38 OF THE STATUTE OF THE INTERNATIONAL COURT OF JUSTICE IMPLIES THE NEED TO TAKE INTO ACCOUNT THE DEVELOPMENT OF INTERNATIONAL LAW, INCLUDING DEVELOPMENTS REFLECTED IN RESOLUTIONS ADOPTED BY INTERGOVERNMENTAL ORGANIZATIONS AND IN CODIFICATION CONVENTIONS CONCLUDED UNDER THE AUSPICES OF THE UNITED NATIONS,

1. DRAWS THE ATTENTION OF THE STATES WHICH HVE NOT YET ACCEPTED THE COMPULSORY JURISDICTION OF THE COURT IN ACCORDANCE WITH ARTICLE 36, PARAGRAPHS 2 AND 5 OF THE STATUTE, TO THE DESIRABILITY OF THE GREATEST POSSIBLE NUMBER OF STATES ACCEPTING THIS JURISDICTION WITH AS FEW RESERVATIONS AS POSSIBLE:

2. DRAWS THE ATTENTION OF STATES TO THE ADVANTAGE OF INSERTING IN CONVENTIONS AND TREATIES, CLAUSES PROVIDING FOR THE SUBMISSION OF DISPUTES WHICH MAY ARISE FROM THE INTERPRETATION OR APPLICATION OF SUCH CONVENTIONS OR TREATIES, AS FAR AS POSSIBLE, TO THE INTERNATIONAL COURT OF JUSTICE;

3. RECOMMENDS THAT THE ORGANS OF THE UNITED NATIONS AND THE SPECIALIZED AGENCIES SHOULD, FROM TIME TO TIME, REVIEW THE DIFFICULT AND IMPORTANT POINTS OF LAW WITHIN THE JURISDICTION OF THE INTERNATIONAL COURT OF JUSTICE WHICH HAVE ARISEN IN THE COURSE OF THEIR ACTIVITIES AND INVOLVE QUESTIONS OF PRINCIPLE, INCLUDING POINTS OF LAW RELATING TO THE INTERPRETATION OF THE CHARTER OF THE UNITED NATIONS OR THE CONSTITUTIONS OF THE SPECIALIZED AGENCIES, AND SHOULD STUDY THE ADVISABILITY OF REFERRING THEM TO THE INTERNATIONAL COURT FOR AN ADVISORY OPINION;

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4. INVITES THE COURT IN THE LIGHT OF THE AMENDMENTS OF ITS RULES OF PROCEDURE, TO EXAMINE THE POSSIBILITY OF MAKING MORE USE OF THE CHAMBERS, AS PROVIDED IN ARTICLES 26 AND 29 OF THE STATUTE, WHICH COULD DEAL WITH PARTICULAR CATEGORIES OF CASES AS A MEANS TO ENCOURAGE THE STATES TO RESORT TO THE COURT MORE FREQUENTLY.
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